



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,685	11/30/2000	John-Gy Lee	678-533 (P9005)	1390

7590 06/18/2003

Paul J. Farrell, Esq.
DILWORTH & BARRESE
333 Earle Ovington Boulevard
Uniondale, NY 11553

EXAMINER

MILORD, MARCEAU

ART UNIT	PAPER NUMBER
----------	--------------

2682

DATE MAILED: 06/18/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary

Application No.

09/726,685

Applicant(s)

LEE, JOHN-GY

7

Examiner

Marceau Milord

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2682

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in USA on 11-30-2000. It is noted, however, that applicant has not filed a certified copy of the application as required by 35 U.S.C. 119(b).

Specification

1. The disclosure is objected to because of the following informalities: on page 9, line 4, "then" should be written as "than"; on page 10, line 3, "then " should also be written as "than". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett et al (US Patent No 5943628) in view of McCarthy (US Patent No 5373548).

Regarding claim 1, Barrett et al discloses an apparatus for preventing the loss of a portable telephone (figs. 6-7; col. 1, lines 6-27), comprising: a master communication system (16

Art Unit: 2682

of fig. 6) having a first short-range radio communication module (74 of fig. 6) and a first control section (72 of fig. 6; col. 3, lines 50-61; col. 4, lines 43-45) and a slave communication system (46 of fig. 6) having a second short-range radio communication module (54 of fig. 6; col. 3, lines 34-44; col. 4, lines 43-45), wherein said first control section (72 of fig. 6) transmits a warning sound signal to the slave communication system (46 of fig. 6) to generate a specified warning sound (81 of fig. 6, step 108 of fig. 7, step 204 of fig. 11) when said first control section (72 of fig. 6) determines a distance (46 of fig. 6; figs. 8-11; col. 1, lines 41-57; col. 3, line 62- col. 4, line 21; col. 4, line 43- col. 5, line 17; col. 7, lines 11-24).

However, Barrett et al does not specifically disclose the feature of a control section that determines the distance between the master communication system and the slave communication system, which is greater than a predetermined range.

On the other hand, McCarthy, from the same field of endeavor, discloses a cordless telephone having a handset and a base unit. The signal strength of a handset, which is received by the base unit, is examined to determine whether or not the handset is beyond a predetermined range from the base unit. If such determination of out of range is made, a warning signal is transmitted from the base unit to the handset (col. 1, lines 56-68; col. 2, lines 1-13; col. 2, lines 29-53; col. 3, lines 8-65). Since the base unit comprises a carrier level detect circuit that can determine the path of the carrier signal received from the portable unit, then the base unit can issue a warning signal to the outgoing signal via the transceiver to the portable unit for indicating the out-of range status. It is considered that the control section determines a distance between the master communication system and the slave communication system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the

Art Unit: 2682

technique of McCarthy to the radiotelephone detector of Barrett in order to easily and simply identify the out-of-range status by a warning sound signal.

Regarding claim 2, Barrett et al as modified discloses an apparatus for preventing the loss of a portable telephone (figs. 6-7; col. 1, lines 6-27), wherein the master communication system (16 of fig. 6; col. 4, lines 43- 49) includes the portable telephone (telephone 1 of fig. 1 or transceiver 74 of fig. 6) and the slave communication system (46 of fig. 6; col. 4, lines 43-45) includes an earphone (the belt clip proximity unit 46 contains a transceiver 54 with means which can be worn or carried by a user, such as a hearing aid, etc, therefore, it is considered as an earphone; see col. 2, lines 2-6; col. 4, lines 29-41).

Regarding claim 3, Barrett et al as applied to claim 1 above differ from claim 3 in the present invention in that, Barrett does not specifically disclose the feature of control section that determines the distance between the master communication system and the slave communication system which is greater than said predetermined range.

However, McCarthy discloses a cordless telephone having a handset and a base unit. The signal strength of a handset, which is received by the base unit, is examined to determine whether or not the handset is beyond a predetermined range from the base unit. If such determination of out of range is made, a warning signal is transmitted from the base unit to the handset (col. 1, lines 56-68; col. 2, lines 1-13; col. 2, lines 29- 53; col. 3, lines 8-65). Since the base unit comprises a carrier level detect circuit that can determine the path of the carrier signal received from the portable unit, then the base unit can issue a warning signal to the outgoing signal via the transceiver to the portable unit for indicating the out-of range status. It is considered that the control section determines a distance between the master communication

Art Unit: 2682

system and the slave communication system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of McCarthy to the radiotelephone detector of Barrett in order to easily and simply identify the out-of-range status by a warning sound signal.

Regarding claim 4, Barrett et al as modified discloses an apparatus for preventing the loss of a portable telephone (figs. 6-7; col. 1, lines 6-27), wherein the master communication system (16 of fig. 6; col. 4, lines 43- 49) and the slave communication system (46 of fig. 6; col. 4, lines 43-45) perform radio communications according to a BLUETOOTH communications protocol (figs. 8-11; col. 1, lines 41-55; col. 3, lines 38-44; col. 3, lines 54-60; col. 6, line 64- col. 7, line 10).

Regarding claim 5, Barrett et al discloses a control method for preventing the loss of a portable telephone (figs. 6-7; col. 1, lines 6-27), the method comprising the steps of: determining (72 of fig. 6) whether a calling state exists between the portable telephone and the earphone (col. 4, lines 29-45; col. 7, lines 10-34); transmitting (72 of fig. 6) a warning sound signal to the earphone and the calling state between the portable telephone and the earphone is detected (the belt clip proximity unit 46 contains a transceiver 54 with means which can be worn or carried by a user, such as a hearing aid, etc, therefore, it is considered as earphone; see col. 2, lines 2-6; col. 4, lines 24- 41; col. 4, line 47- col. 5, line 12; col. 7, lines 29 - 41) ; and generating (52 of fig. 6) a warning sound in the earphone if the warning sound signal is received from the portable telephone (col. 4, line 43- col. 5, line 17; col. 5, lines 31-60).

However, Barrett et al does not specifically disclose the step of periodically measuring a power level of a radio frequency received from an earphone when a loss prevention mode is

Art Unit: 2682

determined in the portable telephone and transmitting a warning sound signal to the earphone if the power level of the radio frequency received from the earphone is below a predetermined level.

On the other hand, McCarthy, from the same field of endeavor, discloses a cordless telephone having a handset and a base unit. McCarthy teaches that the base unit measures the RF signal level received from the handset and provides a warning tone at the earpiece of the portable handset if the RF signal level is below a minimum operating threshold level. Furthermore, the signal strength of a handset, which is received by the base unit, is examined to determine whether or not the handset is beyond a predetermined range from the base unit. If such determination of out of range is made, a warning signal is transmitted from the base unit to the handset (col. 1, lines 56-68; col. 2, lines 1-13; col. 2, lines 29- 53; col. 3, lines 8-65). Since the base unit comprises a carrier level detect circuit that can determine the path of the carrier signal received from the portable unit, then the base unit can issue a warning signal to the outgoing signal via the transceiver to the portable unit for indicating the out-of range status. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of McCarthy to the radiotelephone detector of Barrett in order to easily and simply identify the out-of-range status by a warning sound signal.

Regarding claim 6, Barrett et al as applied to claim 5 above differ from claim 6 in the present invention in that, Barrett does not specifically disclose the step of the portable telephone generating the warning sound if the power level of the radio frequency received from the earphone is below the predetermined level.

However, McCarthy discloses a cordless telephone having a handset and a base unit. In addition, McCarthy teaches that the base unit measures the RF signal level received from the handset and provides a warning tone at the earpiece of the portable handset if the RF signal level is below a minimum operating threshold level. Furthermore, the signal strength of a handset, which is received by the base unit, is examined to determine whether or not the handset is beyond a predetermined range from the base unit. If such determination of out of range is made, a warning signal is transmitted from the base unit to the handset (col. 1, lines 56-68; col. 2, lines 1-13; col. 2, lines 29- 53; col. 3, lines 8-65). Since the base unit comprises a carrier level detect circuit that can determine the path of the carrier signal received from the portable unit, then the base unit can issue a warning signal to the outgoing signal via the transceiver to the portable unit for indicating the out-of range status. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of McCarthy to the radiotelephone detector of Barrett in order to easily and simply identify the out-of-range status by a warning sound signal.

Regarding claim 7, Barrett et al as applied to claim 5 above differ from claim 7 in the present invention in that, Barrett does not specifically disclose the step of the portable telephone periodically measuring the power level of the radio frequency received from the earphone when a hands-free mode is determined in the portable telephone.

However, McCarthy discloses a cordless telephone having a handset and a base unit. In addition, McCarthy teaches that the base unit measures the RF signal level received from the handset and provides a warning tone at the earpiece of the portable handset if the RF signal level is below a minimum operating threshold level. Furthermore, the signal strength of a handset,

Art Unit: 2682

which is received by the base unit, is examined to determine whether or not the handset is beyond a predetermined range from the base unit. If such determination of out of range is made, a warning signal is transmitted from the base unit to the handset (col. 1, lines 56-68; col. 2, lines 1-13; col. 2, lines 29- 53; col. 3, lines 8-65). Since the base unit comprises a carrier level detect circuit that can determine the path of the carrier signal received from the portable unit, then the base unit can issue a warning signal to the outgoing signal via the transceiver to the portable unit for indicating the out-of range status. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of McCarthy to the radiotelephone detector of Barrett in order to easily and simply identify the out-of-range status by a warning sound signal.

Regarding claim 8, Barrett et al as modified discloses a control method for preventing the loss of a portable telephone (figs. 6-7; col. 1, lines 6-27), wherein the portable telephone (telephone 1) and the earphone (the belt clip proximity unit 46 contains a transceiver 54 with means which can be worn or carried by a user, such as a hearing aid, etc, therefore, it is considered as an earphone; see col. 2, lines 2-6) perform radio communications according to a BLUETOOTH communications protocol (figs. 8-11; col. 1, lines 41-55; col. 3, lines 38-44; col. 3, lines 54-60; col. 6, line 64- col. 7, line 10).

Regarding claim 9, Barrett et al as applied to claim 5 above differ from claim 9 in the present invention in that, Barrett does not specifically disclose the step of generating said warning signal, via said portable telephone, when the distance between the portable telephone and the earpiece is greater than a predetermined range and no radio communication exists there between

However, McCarthy discloses a cordless telephone having a handset and a base unit. The signal strength of a handset, which is received by the base unit, is examined to determine whether or not the handset is beyond a predetermined range from the base unit. If such determination of out of range is made, a warning signal is transmitted from the base unit to the handset (col. 1, lines 56-68; col. 2, lines 1-13; col. 2, lines 29- 53; col. 3, lines 8-65). Since the base unit comprises a carrier level detect circuit that can determine the path of the carrier signal received from the portable unit, then the base unit can issue a warning signal to the outgoing signal via the transceiver to the portable unit for indicating the out-of range status. It is considered that the control section determines a distance between the master communication system and the slave communication system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of McCarthy to the radiotelephone detector of Barrett in order to easily and simply identify the out-of-range status by a warning sound signal.

Regarding claim 10, Barrett et al discloses an apparatus for preventing the loss of a portable telephone (figs. 6-7; col. 1, lines 6-27), comprising: a master communication system (16 of fig. 6; col. 4, lines 43- 49) having a short-range radio communication module (74 of fig. 6); and a slave communication system (46 of fig. 6) having another short-range radio communication module (54 of fig. 6; col. 3, lines 34- 44; col. 4, lines 43-45) which is different from the short-range radio communication module of the master so that the slave performs a blue tooth communication with the master (col. 6, lines 33-49); wherein if it is detected that the master transmits a warning sound signal to the slave to generate a specified warning sound (figs. 8- 11; col. 4, line 43- col. 5, line 15; col. 5, lines 31-51; col. 7, lines 11-24).

However, Barrett et al does not specifically disclose the step of detecting a distance between the master and the slave that is greater than a predetermined range.

On the other hand, McCarthy, from the same field of endeavor, discloses a cordless telephone having a handset and a base unit. McCarthy teaches that the base unit measures the RF signal level received from the handset and provides a warning tone at the earpiece of the portable handset if the RF signal level is below a minimum operating threshold level. Furthermore, the signal strength of a handset, which is received by the base unit, is examined to determine whether or not the handset is beyond a predetermined range from the base unit. If such determination of out of range is made, a warning signal is transmitted from the base unit to the handset (col. 1, lines 56-68; col. 2, lines 1-13; col. 2, lines 29- 53; col. 3, lines 8-65). Since the base unit comprises a carrier level detect circuit that can determine the path of the carrier signal received from the portable unit, then the base unit can issue a warning signal to the outgoing signal via the transceiver to the portable unit for indicating the out-of range status. It is considered that the control section determines a distance between the master communication system and the slave communication system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of McCarthy to the radiotelephone detector of Barrett in order to easily and simply identify the out-of-range status by a warning sound signal.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2682

Faris et al US Patent No 5488359 discloses a method and apparatus for optimizing utilization of a memory, which stores messages received in a portable communication device.

Austin-Lazarus et al US Patent No 5422931 discloses a dual mode portable cellular telephone utilizing an RF switch to control the RF signal path through its RF output stage.

Hasegawa US Patent No 5878354 discloses a portable telephone set for transmitting and receiving signals that has an alarm element for generating an alarm signal in response to a preassigned call signal.

Perry et al US Patent No 6160489 discloses a radiotelephone, which is adapted to generate a plurality of distinctive vibrating alert patterns.

Shibayama US Patent No 6233002 B1 discloses an earphone system, which includes a remote control unit for transmitting a first control signal, and an earphone section operatively connected to terminal equipment.

Irube et al US Patent No 6377818 B2 discloses a communication terminal apparatus which is separated into a housing that is capable of video/voice communications, and a housing that is capable of only voice communications.

Little US Patent No 5642413 discloses a device for selectably providing an individual with different alert modes to a call on a telephone.

Halminen US Patent No 6477378 B1 discloses a method and apparatus for limiting frequency bands used by a low power radio frequency device.

Art Unit: 2682

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703-306-3023. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 703-308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-305-9508 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



MARCEAU MILORD

Marceau Milord

Examiner

Art Unit 2682

June 16, 2003